THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.26296 OF 2005

DATED:9.12.2005

Between:

T. Rajya Lakshmi

…Petitioner

And

The Forest Range Officer,

Venkatagiri, Nellore District and another

…Respondents

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WRIT PETITION NO.26296 OF 2005

ORDER:

The petitioner is owner of tanker of G.V.Telco make bearing No.TN 28H 3290. According to the petitioner she hired it to third party, namely, M/s.Movers and Handlers, Chennai, for transporting bitumen. On 30.12.2004 the driver Krishna Murthy took the vehicle for transporting bitumen. But, later the vehicle was found missing. On enquiry, she came to know that the Forest Range Officer, Venkatagiri, first respondent seized the vehicle in connection with a case in DOR No.8/04-05. The petitioner, who feigns ignorance, moved an application under Section 44(2) of the A.P. Forest Act, 1967 (for short, the Act) requesting release of the vehicle. It is alleged that the second respondent, who is Authorized Officer under Section 44 of the Act, did not pass any orders and in the meanwhile, the vehicle is getting damaged due to exposure to weather. Hence, in the Writ Petition the petitioner

seeks a direction to second respondent to pass appropriate orders on the petitioner's application filed on 18.3.2005.

After hearing the learned counsel for the petitioner and the learned Assistant Government Pleader for Forests, this Court is convinced that there are no proper reasons for second respondent in not passing appropriate orders on the application of the petitioner. When the second respondent could not pass orders under Section 44(2-A) of the Act expeditiously, at least, he ought to have considered the application of the petitioner for interim custody. Therefore, the Writ Petition is disposed of directing the second respondent to pass orders on the application of the petitioner immediately, preferably within a period of one week from the date of receipt of this order.

The Writ Petition with the above observations and directions is accordingly disposed of.

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(V.V.S.RAO, J)

9.12.2005

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Note: Issue CC today.

(B.O)

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